

**WHITE & CASE**

1747 PENNSYLVANIA AVENUE N.W.

WASHINGTON, D.C. 20006

(202) 872-0013

TELEX: 197898

1155 AVENUE OF THE AMERICAS, NEW YORK

333 SOUTH HOPE STREET, LOS ANGELES

200 SOUTH BISCAYNE BOULEVARD, MIAMI

20 PLACE VENDÔME, PARIS

66 GRESHAM STREET, LONDON

20-5, ICHIBANCHO, CHIYODA-KU, TOKYO

15 QUEEN'S ROAD CENTRAL, HONG KONG

50 RAFFLES PLACE, SINGAPORE

BIRGER JARLSGATAN 14, STOCKHOLM

CUMHURİYET CADDESİ 12/10, ISTANBUL

ZIYA ÜR RAHMAN CADDESİ 17/5, ANKARA

**INTERSTATE COMMERCE COMMISSION**

DEC 29 1988 6-45 am

RECORDATION NO. 15828-14 FILE 1428

December 29, 1988

Office of the Secretary  
Recordations Unit  
Room 2303  
Interstate Commerce Commission  
12th and Constitution Avenue, N.W.  
Washington, D.C. 20423

Date 12/29/88  
Fee \$ 13.00  
ICS Washington, D. C.

ATTENTION: Ms. Mildred Lee

Dear Ms. Lee:

Enclosed are an original and one certified true copy of the document described below, to be recorded pursuant to 49 U.S.C. § 11303. This document is a Partial Termination Agreement, a secondary document, dated December 29, 1988. The primary document to which this termination agreement is connected is recorded under Recordation No. 1-5828.

The names and addresses of the parties of the documents are as follows:

The Baltimore and Ohio Chicago  
Terminal Railroad Company, Lessor  
100 North Charles Street  
Baltimore, Maryland 21201

CSX Transportation, Inc., Lessee  
100 North Charles Street  
Baltimore, Maryland 21201

A description of the equipment covered by this document follows:

571 100-ton 4,750 cu. ft. covered hopper cars bearing the road numbers  
CSXT 259,000 - CSXT 259,389  
CSXT 259,391 - CSXT 259,401  
CSXT 259,403 - CSXT 259,497  
CSXT 259,499 - CSXT 259,568  
CSXT 259,473 - CSXT 259-577

*C. [unclear]  
Amy Smith*

Interstate Commerce Commission  
December 29, 1988  
Page Two

A filing fee of \$13.00 is enclosed. Please return the original and any extra copies not needed by the Commission for recordation to the undersigned.

A short summary of the document to appear in the index follows:

Partial Termination Agreement to  
Lease of Railroad Equipment with  
Recordation No. 1-5828 dated  
December 29, 1988 and covering  
CSXT 259,000 - CSXT 259,389  
CSXT 259,391 - CSXT 259,401  
CSXT 259,403 - CSXT 259,497  
CSXT 259,499 - CSXT 259,568  
CSXT 259,473 - CSXT 259-577

Very truly yours,

*Anne D. Smith*  
Anne D. Smith

Enclosures

**Interstate Commerce Commission**  
Washington, D.C. 20423

12/29/88

OFFICE OF THE SECRETARY

Anne D. Smith

White & Case

1747 Pennsylvania Avenue N.W.

Washington, D.C. 20006

Dear Ms. Smith:

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act, 49 U.S.C. 11303, on 12/29/88 at 9:45am, and assigned recordation number(s).

15828-A & 15829-A 16114, 16114-A & 16114-B  
Sincerely yours,

16115

16115-A

16115-B

*Narta R. McGee*

Secretary

Enclosure(s)

INTERSTATE COMMERCE COMMISSION

DEC 29 1988 9-45 AM

RECORDATION NO. 15828-1A

PARTIAL TERMINATION

WHEREAS, the Baltimore and Ohio Chicago Terminal Railroad Company ("B&OCT") and CSX Transportation, Inc. ("CSXT") have entered into an Agreement of Lease dated as of September 1, 1988 (the "Lease");

WHEREAS, an executed counterpart of the Lease was filed with the Interstate Commerce Commission on September 19, 1988 at 12:15 p.m. (Recordation No. 1-5828);

WHEREAS, the Lease covers, inter alia, 571 100-ton 4,750 cu. ft. covered hopper cars bearing the Lessee's road numbers CSXT 259,000 - CSXT 259,389, CSXT 259,391 - CSXT 259,401, CSXT 259,403 - CSXT 259,497, CSXT 259,499 - CSXT 259,568, CSXT 259,573 - CSXT 259,577 (hereinafter called the "Hopper Cars"); and

WHEREAS, B&OCT and CSXT have agreed to terminate the Lease with respect to the Hopper Cars as of the date hereof;

NOW THEREFORE, in consideration of the sum of \$1 and other valuable consideration, the undersigned hereby agree that the Hopper Cars are no longer Subject to the Lease. Except as provided in this Partial Termination the terms and provisions of the Lease shall remain in full force and effect.

IN WITNESS HEREOF, the undersigned have caused this Partial Termination to be executed as of the 29th day of December, 1988.

Attest:

THE BALTIMORE AND OHIO CHICAGO  
TERMINAL RAILROAD COMPANY

By: P. J. Hochmuth  
Title: Assistant Secretary

By: A. B. Miller  
Title: Treasurer

Attest:

CSX TRANSPORTATION, INC.

By: P. J. Hochmuth  
Title: Assistant Secretary

By: James J. Casard  
Title

AVP & TREASURER - EQUIPMENT UNIT

STATE OF Maryland )  
city : ss.:  
~~COUNTY~~ OF Baltimore )

On this 29<sup>th</sup> day of December, 1988, before me personally appeared A. B. Aftoora, to be personally known, who, being by me duly sworn, says that he is Treasurer of The Baltimore and Chicago Terminal Railroad Company, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

Karen Luebehusen  
Notary Public

My Commission Expires: ~~My Commission Expires~~ July 1, 1999

[Notary Seal]

STATE OF Maryland )  
City : ss.:  
COUNTY OF Baltimore )

On this 29<sup>th</sup> day of December, 1988, before me personally appeared Denis J. Voisard, to be personally known, who, being by me duly sworn, says that he is **AVP & TREASURER - EQUIPMENT UNIT** of CSX Transportation, Inc., that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

Karen Luebehusen  
Notary Public

My Commission Expires: ~~My~~ Commission Expires July 1, 1990

[Notary Seal]

AFFIDAVIT OF ANNE D. SMITH

DISTRICT OF COLUMBIA, ss :

Anne D. Smith, being duly sworn, hereby states that she has compared the attached copy of the original Partial Termination Agreement dated as of December 29, 1988 to the original document and states that the attached copy is a complete and identical copy in all respects to the original document.

Anne D. Smith

Subscribed and sworn to before me this 29th day of December, 1988.

Sunderi Ozkasto  
Notary Public

My commission expires October 14, 1991.

